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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the matter of)

Amendment of Part 90 of the)
Commission's Rules to Facilitate)
Future Development of SMR Systems)
in the 800 MHz Frequency Band)

PR Docket No. 93-144
RM-8117, RM-8030
RM-8029

and)

Implementation of Section 309(j))
of the Communications Act -)
Competitive Bidding)
800 MHz SMR)

PP Docket No. 93-253

To: The Commission

MOTION FOR EXTENSION OF TIME

SMR WON, through counsel and pursuant to Section 1.46 (b) of the Rules, hereby requests a 60-day extension of time from December 5, 1994, through and including February 3, 1994, for the filing of initial comments in the above captioned rule making proceeding. This motion is filed greater than seven (7) days before the comments are due.

SMR WON is a new trade association organized in September, 1994 to represent the interests of SMR operators in the country's smaller metropolitan markets and rural areas. SMR WON was formed in response to the Commission's August 9, 1994 announcement of its Third Report and Order in Docket 93-252 (released September 23, 1994) which forms the basis for the Further Notice of Proposed Rule Making ("FNPRM") herein. SMR WON has experienced rapid growth, and currently represents over 80 operators and hundreds of SMR systems nationwide.

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This Further Notice of Proposed Rule Making (the "SMR Auction FNRPM") presents over fifty (50) requests for comment on the most fundamental issues facing the SMR industry. Included among the issues are the economic impact of creating a new industry structure, spectrum availability for auctions, economic impact of the proposal on service providers and consumers, economic impact and cost of "relocation", use and demand for the lower General Category band, and competitive considerations.

SMR WON has retained a qualified communications economic consulting firm, and a firm specializing in communications engineering issues, to assist it in addressing these and other issues in its comments. Both firms have stated to SMR WON that it is impossible for them to complete their studies of this difficult docket by December 5, 1994, and that they would need at least 30 days (i.e., until just after the new year) to prepare an analysis for review by SMR WON. Thereafter, SMR WON would need additional time to digest the study and prepare its comments.

In addition, the extra time is needed to seek areas of agreement and industry consensus among what is currently a very polarized SMR industry. Based on the discussions so far, there are substantial areas of disagreement which cannot be worked out by December 5 and, with the intervening holidays, will not likely be worked out by January 5, were the Commission to require parties to file under a 30 day extension. Quite candidly, the it took the Commission itself three months, from August 9 to November 3, 1994, to release its proposal. It is not

unreasonable to afford industry the same period of time to review and respond.

The past few weeks since the November 4, 1994 release of the FNRPM have been spent productively by SMR WON; Week 1 was spent reading and analyzing the proposal. Thereafter SMR WON's directors came to Washington for SMR WON association meetings with industry representatives and two other trade associations representing SMR operators, AMTA and NABER. The intervening weeks also have been spent locating and retaining experts to assist in preparing comments. There likely would have to be further meetings with representatives of other users of the lower 800 MHz band, i.e., general category, industrial, and public safety interests, to solicit views and work on a channel plan. SMR WON does not believe, given the novel changes proposed by the Commission, and the current positions of the parties, that even a 30 day extension is sufficient time to work through these problems with the various affected parties. Therefore, SMR WON has requested two months for fact preparation and industry consultations. Cellular, PCS, and ATV market structure evolution over a period of years suggests strongly that the requested time is necessary under the circumstances.

WHEREFORE, to permit the preparation of economic and engineering studies, to permit further time for industry meetings, studies, evaluation, and presentations of industry plans and consensus positions, SMR WON respectfully requests that the time for filing initial comments to the Further

Notice of Proposed Rule Making herein be extended to February 3, 1994, with reply comments due February 24, 1994.

Respectfully submitted,

SMR WON

By: 

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Dated: November 21, 1994

CERTIFICATE OF SERVICE

I, Rose I. Dodson, legal secretary for the law firm of Ross & Hardies certify that a copy of the foregoing document was served this 21st day of November, 1994 via hand-delivery upon:

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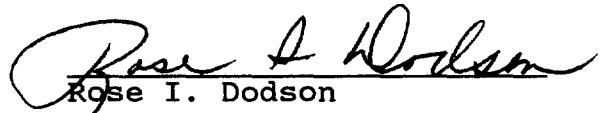
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